

Meeting Minutes South Dakota Council of Juvenile Services

March 16, 2011

Cedar Shore Resort, Oacoma, SD

Wednesday, March 16th - Breakwater Meeting Room

Council of Juvenile Services Members Present: Carol Twedt, Mike Leidholt, Aaron McGowan, Nancy Allard, Vic Erlacher, Tanner Starr, Jo Vitek, Michael Zellmer, Beth O'Toole, Doug Herrmann, JC Chambers, Susan Randall, Liz Heidelberger and Karen Jeffries.

Council of Juvenile Services Members Absent: Kaylee DeNeui, Janine Kern, Ella Rae Stone, Gib Sudbeck, Grant Walker, and Virgena Wieseler.

Others Present: Kevin McLain & Joy Erlenbusch, DOC.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Chair Carol Twedt called the meeting to order at 10:06 AM on March 14, 2011. Chair Twedt welcomed everyone to the meeting and introductions were made. Agenda items added include TA Request from Lower Brule and an address from Secretary Tim Reisch

2. APPROVAL OF DECEMBER 2010 MEETING MINUTES

Beth OToole moved to approve the December 2010 meeting minutes, Aaron McGowan seconded. Motion carried.

3. REVIEW DECISIONS OF THE EXECUTIVE COMMITTEE

Kevin McLain provided a brief overview of the FFY2011 Juvenile Accountability Block Grant Application. Within the application 5% was allocated towards administration of the grant, 20% was allocated for reentry services, \$100,000 was allocated towards teen court and other diversion programs, and the remaining balance is comprised of allocations determined by OJJDP in each Minnehaha and Pennington Counties.

Dr. Susan Randall asked how much money was allocated to help in probation support and if the significant budget decreases within state budget will significantly impact services of probation.

Nancy Allard indicated that UJS did see large cuts and the usual functions of probation will be impacted by these cuts.

Dr. Susan Randall moved to approve the decision of the CJS Executive Committee approval of the FFY2011 Juvenile Accountability Block Grant Application, Beth O'Toole seconded. Motion carried.

Joy Erlenbusch provided a brief overview of a proposal the was submitted by South Dakota Voices for Children regarding the calendar year 2011 Tribal Advisory Group. The proposal provided is for a total of two meetings to be held during calendar year 2011 at the cost of \$2,000 for staffing and \$2,000 for meeting arrangements, travel reimbursement of attendees, etc. per meeting for a total of \$8,000.

Funding had been previously allocated but there had not been a formal vote awarding the allocation to South Dakota Voices for Children to continue their effort of coordination and staff support of the Tribal Advisory Group. Due to a scheduled meeting, the South Dakota Voices for Children proposal was taken to the CJS Executive Committee for approval.

Sheriff Mike Leidholt moved to ***approve the decision of the CJS Executive Committee approval of the Calendar Year 2011 Tribal Advisory Group Coordination Contract, Aaron McGowan seconded. Motion carried.***

4. FFY2011 THREE YEAR PLAN APPROVAL

Kevin McLain began the overview of the JJDP Three Year Plan which included the budget changes that have been identified that differ from previous applications, overview of juvenile justice data, and problem statements and plans for compliance. Aaron McGowan asked about missing diversion data. Joy Erlenbusch will work with the State's Attorney offices in both Minnehaha and Pennington Counties to ensure the diversion data is as complete as possible. Joy Erlenbusch provided a detailed review of the 2008 DMC data and future plans regarding the coordination of DMC and JDAI as the local JDAI projects get underway.

Chair Carol Twedt asked that the Council take a brief lunch following a brief address by Secretary Tim Reisch.

5. ADDRESS BY DOC SECRETARY TIM REISCH

DOC Secretary Tim Reisch informed the Council of Juvenile Services of his recent appointment to the position of Adjutant General of the South Dakota National Guard. Secretary Reisch thanked the Council for their work for the youth in South Dakota.

6. FFY2011 THREE YEAR PLAN APPROVAL (CONTINUED)

Joy Erlenbusch asked that formal direction be given as to the duties and responsibilities of the statewide DMC Committee since many of the original duties have been taken on by the Council, assigned to other groups, or may be JDAI components. Discussion ensued.

Judge Karen Jeffries moved to discontinue the statewide DMC Committee, seconded by Nancy Allard; Motion carried.

Joy Erlenbusch gave a brief overview of the JDAI goals that have been identified to date by the Council and staff was directed to move forward with the goals as outlined in the application. Members were told that if they had further input they could submit suggestions to staff.

Sheriff Mike Leidholt moved to approve the application as edited by staff. Seconded by Chief Jo Vitek. Motion carried.

Staff will submit the application by March 31, 2011 as required in the application.

7. BUDGET STATUS REPORT

Kevin McLain provided a brief overview of the current status of grant funds. The FFY2008 Grant was estimated that funding would be expended at the end of March 2011; however, projected expenses through the month of March indicated that a balance of \$63,000 will not yet be spent. McLain indicated that the plan for spending will be to continue to expend over the next two months and budget categories that have fully been expended or become fully expended will begin to draw money out of the FFY2009 grant.

Dr. Susan Randall moved to give formula grant staff the authority to budget correct as appropriate to close out the FFY2008 allocation when necessary, Seconded by Judge Karen Jeffries. Motion carried.

8. NAP SUBGRANT UPDATE

Kevin McLain provided a brief overview of subgrants awards under the Native American Programs. McLain indicated that all four current subgrantee projects appear to be active and expending funding. McLain also noted that the Sisseton Wahpeton Oyate has in the past not submitted claims to DOC until the end of the grant period but it is anticipated that funds will be expended in full.

Kevin McLain provided a summary of the plans for the SFY2012 RFP which includes four subgrants at \$25,000 each. McLain asked that the Council decide if the RFPs should be opened to all tribes to apply for a competitive grant or if those that have existing subgrants are invited to apply for SFY 2012 funding. Discussion ensued.

Victor Erlacher moved to open the four allocations to existing subgrantees, seconded by Sheriff Mike Leidholt. Motion carried.

Staff direction was given that if any allocations are not applied for by current subgrantees then it is recommended that the allocations be open to a competitive process among other tribes. Direction was also given to the Tribal Advisory Group asking that they develop a formal recommendation on how to proceed in future fiscal years on awarding funds to tribes.

9. TAG UPDATE

Dr. Susan Randall gave an update on the Tribal Advisory Group. The TAG met in Pierre in March. Newly appointed DSS Secretary Kim Malsam-Rysdon and Division of Alcohol and Drug director Gib Sudbeck joined the group for a discussion on Medicaid for adjudicated youth, System of Care (SoC) Initiatives, and barriers for services for Native American youth.

Stephanie Vetter provided an overview to the Tribal Advisory Group which was consistent with the information provided to the Council of Juvenile Services in October 2009. Stephanie Vetter also provided brief updates on the activities in Minnehaha and Pennington Counties.

Also during the meeting the Juvenile Justice Guidebook and other justice related materials were provided.

10. DMC UPDATE

Joy Erlenbusch provided an overview of the current DMC projects spending to date. There is an expected balance on the SFY2011 projects and this balance will be adjusted to help cover JDAI staff support and other project allocations that have been short on funding. Joy Erlenbusch walked the Council through performance measures from all of the programs. Concerns were once again raised regarding the expense of programs verses the amount of progress made by the local projects.

During the December 2010 meeting, decisions were made to turn DMC project management over to the local JDAI groups. Concerns have arisen that the local JDAI groups are not yet in the position to make DMC related decisions because they have not gotten far enough into the process to have adequate data and information for informed decisions.

Sheriff Mike Leidholt moved to open the proposals up to the existing DMC Subgrantees for a possible one additional year of funding, seconded by Aaron McGowan. Motion carried.

Additional discussion identified that these organizations will be invited to apply for allocations for up to a 12 month period. This will be the FINAL allocation that these projects may be considered for funding and the Council will award or not award funding based on prior success of the program, implementation of programming that is as outlined in prior proposals, financial responsible organizations, services are directed at serving minority youth in a manner that will work to reduce over-representation at early stages of the justices, and a comprehensive plan to continue to provide the services at the conclusion of the SFY2012 grant period.

11. JDAI UPDATE

Joy Erlenbusch provided an overview of JDAI in the local pilot sites:

Minnehaha County JDAI Pilot has completed their detention utilization study and the steering committee has accepted the document and has begun discussions on how local detention should be used.

Pennington County JDAI is working to complete their detention utilization study and will begin the discussions regarding detention use in the coming months.

Both sites would be involved in Risk Assessment Instrument (RAI) training and another trip has been scheduled to go to a model site in New Mexico in April.

Liz Heidelberger provided a handout that included list of people on local groups, timelines for completion of activities and activities to date. Liz provided an overview of the April 5th RAI training as well as a quick overview of her trip to Portland to visit the model site. Liz reported that all the people attending the site enjoyed the experience and learned a lot of new things relating to next steps with JDAI.

Carol Twedt handed out copies of the Minnehaha County Detention Utilization Charts and Tables. Carol noted that recently the JDAI Coordinator, Alyson Bring, in Minnehaha County resigned and the county is currently in the process of recruiting a replacement. However, Alyson is still working from North Dakota until such time a new JDAI coordinator is hired.

In addition, the Technical Assistance Provider from the Annie E Casey Foundation, Stephanie Vetter, provided a list of questions for the Council. Based on discussion the following direction is to be directed to the provider and the JDAI sites:

1. JDAI Intervention Funds – The Council will make funds available for JDAI interventions when the local groups are ready to implement the interventions. It is presumed that the risk assessment instrument needs to be in place so that youth appropriate for the alternative services are identified. In order for local JDAI groups to access the \$100,000 that has been set aside for each site, the site must submit a proposal to the Council of Juvenile Services. All programs must be new programs or the expansion of program slots within existing programs. The \$100,000 has been allocated to specifically be used for youth intervention projects. In order to apply for funding the following milestones must be achieved:
 - Completion of the Detention Utilization Study;
 - Completion of the local System Assessment Documents;
 - Creation and testing of the Risk Assessment Instrument (in order to gather information regarding the needs of the youth);
 - Completion of a comprehensive analysis of existing services and gaps in program services; and
 - Development of a detailed work plan with timeline and deadlines.
2. JDAI Goals – The Council of Juvenile Services sought out JDAI implementation to reduce justice system disparities throughout all stages of the juvenile justice system, provide alternatives for CHINS, maintain compliance with JJDPA, and reduce South Dakota's incarceration rate. All local proposals and intervention programming will be evaluated with these key ideas to ensure that they are consistent with the areas under consideration.
3. JDAI Statewide – The Council of Juvenile Services has implemented JDAI in Minnehaha and Pennington Counties as pilot sites with the hope that at a future date there may be the opportunity to expand this to other jurisdictions. At this time, it is important to note that there are no plans for going statewide. In order for consideration of expanding JDAI beyond the current locations, there must be proven local success demonstrated through formal evaluation. At this time, the Council recommends that the education and presentations be focused on the implementation within these pilot sites.
4. Project Evaluation – Since JDAI will be implemented in conjunction with a DMC component, implementation will need to be formally evaluated. State level funding will be used to aid in this evaluation process; however, each pilot site will need to work with the researcher to ensure that evaluation is built into the process from the initial implementation. This evaluation will be used to determine if statewide expansion will take place. The DOC and CJS will identify the evaluator.

5. The Council of Juvenile Services is the governing body of this initiative. This group is designated by the state law and acts to oversee the funding and operation of this initiative. It should be noted that this organization has by-laws and state statutes that they must uphold. As the governing body, any formal actions or requests regarding potential statutory changes need to be brought before the Council. Members of the group are formally appointed by the Governor and the formal process of decisions regarding legislation or other such activity must be followed.
6. Risk Instrument – The Council of Juvenile Services has directed that there will be one risk instrument implemented that serves both locations. This decision comes from discussion of how to implement and gain access to information that may be necessary for use in order to complete the instrument for youth. The Council has further directed that local sites may determine that different cut-offs are used as criteria however, all criteria needs to be built into the one assessment instrument.
7. Statewide Coordinator – The Council of Juvenile Services has directed there will not be a statewide JDAI Coordinator at this time. Since South Dakota is in the middle of a statewide budget crisis and funding from the Council of Juvenile Services has already been allocated, the development of a new position is not feasible at this time. If local pilot sites are proven effective after a minimum of 1 full year of JDAI intervention implementation and a decision is made to take JDAI statewide, the Council may revisit this recommendation in the future. In the meantime, it is recommended that a standing conference call schedule be developed between the JDAI Consultant, the local JDAI coordinators, the Juvenile Justice Specialist, who will provide ongoing support to the Minnehaha Pilot site, and the Compliance Monitoring and Disproportionate Minority Contact Coordinator, who will be providing ongoing support to the Pennington Pilot Site. It is suggested that contact, questions and direction be regular and on-going between the local coordinator and formula grant staff person as identified previously with outside assistance being requested from the AECF representative as needed.

12. OLD BUSINESS

Dr. Susan Randall provided copies of the Juvenile Justice Guidebook to the Council. It is estimated that nearly 30% of those printed have been distributed to date. If anyone would like more copies, they are welcome to request copies from South Dakota Voices for Children.

13. NEW BUSINESS

Joy Erlenbusch provided a quick description of the invoice submitted to the Department of Corrections for dues for membership in the Coalition for Juvenile Justice. The amount for continued membership in CJJ remains \$5,000 which provides active membership in the organization. Discussion ensued regarding whether to pay dues and if any CJS members were interested in attending on behalf of the Council.

Dr. Susan Randall moved to approve payment for CJJ dues for calendar year 2011, seconded by JC Chambers. Motion carried.

Staff direction was given to provide the opportunity for CJS members to volunteer to attend the Spring CJJ Conference. If multiple people show interest, the matter will be discussed with the CJS Chair.

Joy Erlenbusch provided a brief description of President Obama's 2012 budget which identifies major changes in the current federal grant programs. Along with budget cuts among the grants, funding would no longer be eligible to be used for compliance and would be the responsibility of the state. Funding would be based on a competitive process and funding would be used in a system improvement and direct service capacity.

CJJ has drafted a formal response to the President regarding these major changes and suggests a two-tiered approach where a portion of funding would be eligible to be used for compliance and the second tier would be competitive and used for direct services and system projects/improvement.

Kevin McLain reminded the Council that if they chose to write a letter regarding these changes that the letter would not be drafted by staff and could not be on CJS letterhead to ensure that they are not using grant funding to lobby for any changes.

14. NEXT MEETING

The next Council meeting will be held June 1-2, 2011 at Spearfish Canyon Lodge near Spearfish. Specific start and end times will be forthcoming.

The Council has identified that the fall meeting would be held on September 14, 2011 in Pierre in the event that the group would be able to meet with Governor Dugaard.

15. WRAP-UP AND ADJOURN

Sheriff Mike Leidholt moved to adjourn, Aaron McGowan seconded. Motion carried. Meeting adjourned at 3:17 P.M.

Recorded by Joy Erlenbusch, DMC/CM Coordinator